

Request for Withdrawal of Finality

Applicants note that the Office Action ("Action") issued on November 20, 2006 was prematurely made final. Paragraph 1 of the Action, states that the previous Office Action has been withdrawn, however, "a new ground(s) of rejection is established in view of, Program and System Information Protocol For Terrestrial Broadcast and Cable." This new ground of rejection was NOT necessitated by amendment, and therefore, the finality of the rejection is improper.

Accordingly, Applicants respectfully request withdrawal of the finality of the outstanding Action.

Response to Examiner's New Rejections

In paragraph 2 of the Action, the Examiner rejects claims 1-11 and 16-23 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the prior art discussed on pages 1-2 of the specification, i.e., Japanese Patent Application Publication No. JP 11-69319 to Tokkaihei¹ ("Tokkaihei") in view of Program and System Information Protocol for Terrestrial Broadcast and Cable, Doc. A/65 (the "A/65" document). Applicants respectfully traverse this rejection.

In order to support a rejection under 35 U.S.C. § 103, the Examiner must establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some motivation to

¹ Applicants note that U.S. Patent No. 7,111,315 corresponds to Japanese Patent Application Publication No. JP 11-69319.

modify/combine the cited references. Second, there must be a reasonable expectation of success. Finally, the combination must teach each and every claimed element. In the present case, claims 1-11 and 16-23 are not rendered unpatentable by the combination of Tokkaihei and the A/65 document for at least the reason that the combination fails to disclose each and every claimed element as discussed below.

Independent claim 1 defines a device for providing an electronic program guide. The device includes, *inter alia*, an editing means for editing electronic program information; an electronic program information storage means for storing the electronic program information edited by said editing means; and a table generation means for generating a plurality of electronic program guide information tables using the electronic program information stored in said electronic program information storage means. In addition, said editing means generates update information on the updating of the electronic program information and said table generation means determines which of said plurality of electronic program guide information tables needs to be generated based on said update information.

In rejecting claim 1, the Examiner asserts that Tokkaihei, as discussed on pages 1-2 of the specification, discloses a device as claimed with the exception of the table generating means determining which of said plurality of tables needs to be generated based on the update information provided by the editing means. Accordingly, the Examiner relies on the A/65 document to overcome the deficiencies of Tokkaihei. More specifically, the Examiner asserts that it would have been obvious to one skilled in the

art to “modify Self-admitted prior art with the teaching of DOC. A/65 so to reduce bandwidth usage between the central delivery center of master EPG and each of the remote broadcasting distribution stations by identifying only tables that need to be updated. To support these assertions, the Examiner points to pages 72-74 of the A/65 document. These assertions are unfounded for the following reasons.

First, the A/65 does not disclose a device that includes a table generator that determines which of said plurality of electronic program guide information tables needs to be generated based on said update information as claimed. To the contrary, the A/65 document defines a Standard for System Information (SI) and Program Guide (PG) data compatible with digital multiplex bit streams constructed in accordance with ISO/IEC 13818-1 (MPEG 2 Systems). More specifically, the A/65 document defines the standard protocol for transmission of the relevant data tables contained within packets carried in the Transport Stream multiplex. Although, this protocol requires transmitting a Master Guide Table (MGT) providing general information about all the other tables that comprise the PSIP standard, it does not disclose or suggest how/when updated information tables should be generated by the provider. It merely requires the inclusion of a version number in the master guide table, in order to indicate which tables in the transport stream have been updated.

Accordingly, even if one skilled in the art were motivated to combine Tokkaihei and the A/65 document, the combination would only result in a device that updates versions numbers in response to updated information tables. There is nothing in the

A/65 document to prevent the APA device from continuing to regenerate all the tables in response to updated information and only updating the versions numbers in the master guide table for those tables containing new information. This is not equivalent to the claimed invention. Accordingly, independent claim 1 is patentable over the combination of Tokkaihei and the A/65 document because the combination fails to disclose each and every claimed element.

Independent claim 20 defines a method of generating electronic program guide information tables. The method includes, *inter alia*, receiving edited electronic guide information; storing the received edited electronic program guide information; receiving electronic program guide update information; determining whether an electronic program guide table needs to be updated based on the electronic program guide update information; and generating only those electronic program guide information tables determined to need updating. Accordingly, independent claim 20 is patentable over the combination of Tokkaihei and the A/65 document for at least those reasons discussed above with regard to claim 1.

Claims 2-11, 16-19, and 21-23 variously depend from independent claims 1 and 20. Therefore, claims 2-11, 16-19, and 21-23 are patentable over the combination of Tokkaihei and the A/65 document for at least those reasons discussed above with regard to claims 1 and 20. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-11 and 16-23 under 35 U.S.C. § 103(a).

In paragraph 3 of the Action, the Examiner rejects claims 12-15 and 24-26 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combination of Tokkaihei and the A/65 document, further in view of U.S. Patent No. 5,666,645 to Thomas et al. ("Thomas"). Applicants respectfully traverse this rejection.

Claims 12-15 and 24-26 variously depend from independent claims 1 and 20. Therefore, claims 12-15 and 24-26 are patentable over the combination of Tokkaihei and the A/65 document for at least those reasons presented above with respect to claims 1 and 20.

Thomas discloses a data management and distribution system for an electronic program guide for television programs that includes an automated data collection subsystem. However, Thomas fails to overcome the deficiencies of Tokkaihei and the A/65 document.

Since Tokkaihei, the A/65 document and Thomas each fail to disclose or suggest a device for providing electronic program information that includes a table generation means as claimed, the combination of these three references cannot possibly disclose or suggest said element. Therefore, even if one skilled in the art were motivated to combine Tokkaihei, the A/65 document and Thomas, the combination would still fail to render claims 12-15 and 24-26 unpatentable because the combination fails to disclose each and every claimed element. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 12-15 and 24-26 under 35 U.S.C. § 103(a).

The application is in condition for allowance. Notice of same is earnestly solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny Caudle (Reg. No. 46,607) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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